IN THE HIGH COURT OF JUDICATURE OF BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.2080 OF 2005

Smt.Sushila Bojjappa & ors. ... Applicants

versus

State of Maharashtra ... Respondent

...

Mr.A.P. Mundargi with Mr. Ajay Panicker, for the Applicants.

Mr.K.V. Saste, A.P.P. for the Respondent State.

Mr.Anilkumar Patil, for the Original Complainant.

...

CORAM : A.M.KHANWILKAR,J.

30th March 2005

P.C.:

. Mr. Mundargi for the Applicants fairly accepts that the Applicants have been ill-advised to rush to this Court when the application for same relief was pending before the Sessions Court. Assuming that the Applicants have some grievance about the nature of order recorded on

15th March 2005, it is well-settled that such grievance will have to be canvassed before the same Judge and cannot be made basis for challenge before the superior Court. Sofar as the superior Court is concerned, the fact as mentioned in the order recorded by the concerned Judge of the subordinate Court will have to be accepted as it is.

. As mentioned earlier, as Mr. Mundargi fairly accepts that the Applicants have been ill-advised to rush to this Court, and as the matter is placed on 31st March 2005 before the Sessions Judge, Thane, limited protection is granted to the Applicants till tomorrow to enable them to appear before the concerned Judge and seek appropriate relief as may be advised. It will be open to the Sessions Judge, Thane, to pass such orders as may be warranted in the fact situation of the case.

. Application disposed of with limited protection to the Applicants till tomorrow, 31st March 2005. This limited protection is granted to the Applicants on the assurance given by the

Counsel for the Applicants that they shall personally remain present before the Sessions Court at the time of hearing of application before the Sessions Judge. That assurance is accepted. It will be open to the Applicants to file further pleadings or material before the Sessions Court to canvass the issues which are raised before this Court. The complainant may also file such pleadings, as may be advised before the Sessions Court, on the basis of which, the Sessions Judge may proceed to decide the matter in accordance with law.

(A.M.KHANWILKAR,J.)